

A
QUESTION
CONCERNING

The great and weightie Affairs of
the whole Kingdome.

SH EW I N G,

How Lawes are to be understood, and Obedience
yeelded?

Also an Answer to the aforesaid Question, necessary for the
present state of things touching the *Milnia*.

Published for the good of the Common-weal.



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CONCEALED

It is great and weighty
to be able to do it

and it is

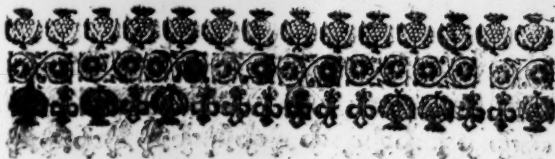
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Q V E S T I O N
A N S W E R E D.

Question.

NOW in our extreame Distractions,
when forraign forces threaten, and
propably are invited, and a malignant and
Popish party at home offended? The Devil
hath cast a bone, and raised a contestation be-
tween the King and Parliament touching
the Militia.

His Maiesty claims the disposing of it
to be in Him by right of Law; The Par-
liament saith rebus sic stantibus, and no-
lenti Rege, the Ordering of it is in them.

Answer.



Answer.

VV

High Question, may receive its solution by this distinction. That there is in Laws an equitable, and a litterall sence. His Majesty (let it be granted) is intrusted by Law with the *Militia*, but it's for the good and preservation of the Republique, against Forraign Invasions, or Domestique Rebellions.

For it cannot be supposed, that the *Parliament* would ever by Law intrust the King with the *Militia* against themselves, or the *Common-wealth*, that intrusts them to provide for their Weal, not for their woe.

So that when there is certain appearance grounded suspicion, that the Letter of the Law shall be improved against

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gainst the *Equity* of it (that is, the
publique good, whether of the body
reall or representative) then the Com-
mander going against its *Equity*, gives
Liberty to the Commanded to refuse
Obedience to the Letter : for the Law
taken abstract from its originall reason
and end, is made a shell without a ker-
nell, a shadow without a substance, and
a body without a soul. It is the Execu-
tion of Laws according to their *Equi-
ty and Reason*, which (as I may say) is
the spirit that gives life to Authority,
the Letter kills.

Nor need this *Equity* be expressed in
the Law, being so Naturally implied
and supposed in all Laws that are not
merely Imperiall, from that Analogy,
which all bodies politique hold with
the Naturall ; whence all Government
and Governors borrow a proportiona-
ble Respect ; And therefore when the
Militia of an Army is committed to
the General, it is not with any expresse

condition; that he shall not turn the
mouths of his *Canons* against his *Own*
Souldiers; for that is so *Naturally* and
necessarily implied, that its needlesse
to be expresse, inso much as if he did
attempt or command such a thing a-
gainst the nature of his trust and place,
it did *ipso facto* estate the Army, in a
right of disobedience, except we think
that obedience binds Men to, cut their
own throats, or their companions.

And indeed if this distinction be not allow-
ed, then the Legall and mixt *Monarchy* is the
greatest *Tyranny*, for if Laws invest the King in
an absolute power, and the letter be not contro-
led by the equity, then whereas other Kings that
are absolute *Monarchs* and rule by will, and not
by Law, are Tyrants perforce. Those that rule
by Law and not by will, have hereby a *Tyranny*
confer'd upon them legally, and so the very end
of Laws, which is to give bounds and limits to
the exorbitant wills of Princes, is by the Laws
disappointed, for they hereby give corroboration
(and much more Iustification to an arbitrary
Tyranny, by making it legall, not assumed; which
Laws are ordained to crasse not countenance:
and

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and therefore is the latter (where it seems absolute)
always to receive qualification
from the Equity, else the for-
said absurdity must
follow.

*Published for the good of the Common-
Weale.*



F I N I S .

